

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 21-1671V

JOHN MOHNAL,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: October 3, 2023

*Catherine Wallace Costigan, Maglio Christopher & Toale, Washington, DC, for
Petitioner.*

Claudia Barnes Gangi, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On August 6, 2021, John Mohnal filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that he suffered Guillain-Barré Syndrome (“GBS”), a defined Table injury, after receiving an influenza (“flu”) vaccine on September 17, 2018. Petition at ¶¶ 6, 14, 16-17. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 25, 2023, a ruling on entitlement was issued, finding Petitioner entitled to compensation for his GBS. On October 3, 2023, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$117,961.41, representing compensation in the amounts of \$115,000.00 for pain and suffering, \$495.41

¹ Because this Decision contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims’ website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

for past unreimbursable expenses, and \$2,466.00 for past unreimbursable medical expenses for services provided by Holy Spirit/Geisinger EMS. Proffer at 1-2. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **I award \$117,961.41 as follows:**

- 1. A lump sum payment of \$115,495.41, representing \$115,000.00 for pain and suffering and \$495.41 for actual unreimbursable expenses in the form of a check payable to Petitioner; and**
- 2. A lump sum payment of \$2,466.00, representing reimbursement of actual unreimbursable medical expenses provided by Holy Spirit/Geisinger EMS, in the form of a check payable jointly to Petitioner and National Recovery Agency.**

This amount represents compensation for all damages that would be available under Section 15(a).

The Clerk of Court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

JOHN MOHNAL,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 21-1671V
ECF

Chief Special Master Corcoran
Special Processing Unit (SPU)

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

On August 6, 2021, John Mohnal (“petitioner”) filed a petition for compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34 (“Vaccine Act” or “Act”), alleging that he suffered from Guillain-Barré syndrome (“GBS”) as a result of an influenza (“flu”) vaccine administered on September 17, 2018. Petition at 1. On May 24, 2023, the Secretary of Health and Human Services (“respondent”) filed a Rule 4(c) Report indicating that this case is appropriate for compensation under the terms of the Act for a GBS Table injury. ECF No. 35. On May 25, 2023, the Chief Special Master issued a Ruling on Entitlement finding petitioner entitled to compensation. ECF No. 36.

I. Items of Compensation

A. Pain and Suffering

Respondent proffers that petitioner should be awarded \$115,000.00 in pain and suffering. *See* 42 U.S.C. § 300aa-15(a)(4). Petitioner agrees.

B. Past Unreimbursable Expenses to Petitioner

Evidence supplied by petitioner documents that he incurred past unreimbursable expenses related to his vaccine-related injury. Respondent proffers that petitioner should be awarded past

unreimbursable expenses in the amount of \$495.41. *See* 42 U.S.C. § 300aa-15(a)(1)(B).

Petitioner agrees.

C. Past Unreimbursable Expenses to Petitioner and Provider

Evidence supplied by petitioner documents outstanding charges for services provided by Holy Spirit/Geisinger EMS related to his vaccine-related injury. Respondent proffers that petitioner should be awarded past unreimbursable expenses in the amount of \$2,466.00 for services provided by Holy Spirit/Geisinger EMS. *See* 42 U.S.C. § 300aa-15(a)(1)(B).

Petitioner agrees.

These amounts represent all elements of compensation to which petitioner is entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

II. Form of the Award

Petitioner is a competent adult. Evidence of guardianship is not required in this case. Respondent recommends that the compensation provided to petitioner should be made through a lump sum payment as described below and requests that the Chief Special Master's decision and the Court's judgment award the following¹:

A. A lump sum payment of \$115,495.41, representing compensation for pain and suffering (\$115,000.00), and past unreimbursable expenses (\$495.41), in the form of a check payable to petitioner, John Mohnal.

B. A lump sum payment of \$2,466.00, representing compensation for unreimbursable medical expenses for services provided by Holy Spirit/Geisinger EMS, in the form of a check jointly payable to petitioner, John Mohnal, and National Recovery Agency.

¹ Should petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future lost earnings and future pain and suffering.

Petitioner agrees to endorse this payment to National Recovery Agency, and forward the check to NRA Group, LLC, 2491 Paxton Street, Harrisburg, PA 17111.

III. Summary of Recommended Payments Following Judgment

- | | | |
|----|--|---------------------|
| A. | Lump Sum paid to petitioner, John Mohnal: | \$115,495.41 |
| B. | Lump Sum paid jointly to petitioner, John Mohnal,
and National Recovery Agency: | \$2,466.00 |

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

C. SALVATORE D’ALESSIO
Director
Torts Branch, Civil Division

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

DARRYL R. WISHARD
Assistant Director
Torts Branch, Civil Division

s/ Claudia B. Gangi
CLAUDIA B. GANGI
Senior Trial Attorney
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146, Ben Franklin Station
Washington, DC 20044-0146
Tel.: (202) 616-4138
claudia.gangi@usdoj.gov

DATED: October 3, 2023